

United States District Court  
for  
Eastern District of New York  
Report on Offender Under Supervision

Name of Offender: James Odell

Case Number: 02-CR-986(S-1)-02

Name of Sentencing Judicial Officer: The Honorable Allyne R. Ross, United States District Judge

Date of Original Sentence: March 10, 2004

Original Offense: 18 U.S.C. 922(g)(1), Felon in Possession of a Firearm, a Class C Felony

Original Sentence: 37 months imprisonment, followed by three years supervised release. As special conditions of supervised release, the Court ordered the offender to (1) pay a \$100 special assessment fee; (2) not possess any firearms; (3) submit his person, residence, place of business, vehicle or any other premises under his control to a search on the basis that the probation officer has reasonable belief that contraband or evidence of a violation of the conditions of release may be found; and (4) participate in substance abuse treatment with a provider selected by the Probation Department. Treatment may include outpatient or residential treatment. The offender shall abstain from all illegal substances and/or alcohol. The offender shall contribute to the cost of services rendered or medication prescribed via co-pay or full payment in the amount approved by the Probation Department, based upon the offender's ability to pay and/or the availability of third party payment.

Type of Supervision: Supervised Release Date Supervision Commenced: June 17, 2005

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**NON-COMPLIANCE SUMMARY**

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

U.S. Probation Officer Action:

By way of background, the offender, age 28, is unemployed and has a history of substance abuse. On July 13, and July 14, 2005, he submitted urine specimens to the Probation Department, which returned positive for the presence of illicit drugs. In response to his drug use, we referred the offender to Counseling Service Eastern District of New York (CSEDNY) for an assessment and outpatient services.

The purpose of this correspondence is to inform Your Honor of the offender's noncompliance with the conditions of supervised release and recommend that no action be taken at this time.

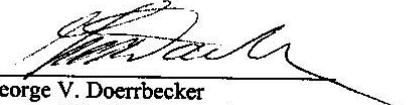
Although the offender participated in treatment at CSEDNY, he continued to struggle with drug addiction. Specifically, on August 1, September 15, September 27, October 11, October 21, October 24, and November 8, 2005, he submitted urine specimens, which confirmed positive for the presence of marijuana. The offender admitted using marijuana and requested to be transferred to CSEDNY's intensive outpatient program. However, his request was denied due to poor attendance.

On October 19, 2005, supervision of his case was transferred to a Substance Abuse Specialist who determined that the offender needed a higher level of care. The offender agreed and on November 13, 2005, he entered a five-day detoxification program at Flushing Hospital Center. He completed the program and on November 19, 2005, the offender commenced short-term residential treatment at Long Island City of Recovery (LICR) located in Hampton Bay, New York. The offender successfully completed the program and is currently participating in drug aftercare counseling on an outpatient basis. He advised the Probation Department that he is committed to sobriety and requested another opportunity to demonstrate his willingness to comply with the conditions of supervision. On December 20, 2005, he submitted a urine specimen to the Probation Department, which returned negative for the presence of illicit drugs.

Based upon the offender's need for rehabilitative services and the availability of treatment, the Probation Department respectfully recommends that the Court take no action in this matter at this time. We will continue to monitor his progress in treatment and inform the Court of any unfavorable changes.

Respectfully submitted by,

  
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Margaret A. Foley  
Senior U.S. Probation Officer

  
\_\_\_\_\_  
George V. Doerrbecker  
Deputy Chief U.S. Probation Officer  
Date: 12/22/05

THE COURT ORDERS:

- No Action
- Submit a Request for Modifying the Condition or Term of Supervision
- Submit a Request for Warrant or Summons
- Other

\_\_\_\_\_  
Signature of Judicial Officer  
\_\_\_\_\_  
12/23/05  
\_\_\_\_\_  
Date